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PTO/SBA/55 (03-09)

Approved for use through 03/31/2012. OMB 0851-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

07/01/2010 DALLEN 00000003 6276549

01 FC:1599

2880.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
(571) 272-3282.Patent Number: 6,276,549 B1Application Number: 09/009, 327Issue Date: 08-21-2001Filing Date: 04-28-2010

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**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

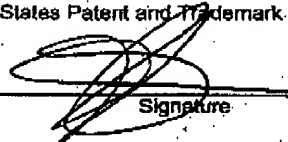
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

04-28-2010

Date



Signature

Luis Orlando de Jesus Pittau

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1240	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1240

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 1640 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_
- ☒ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

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## 7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☒ Send refund check

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)

04-28-2010

\_\_\_\_\_  
Date

Luis Orlando de Jesus Pittau

\_\_\_\_\_  
Typed or printed name(s)

Registration Number, if applicable

Paraguay 3462 PB "G"

54-11-4822-6362

\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone Number

Ciudad Autonoma de Buenos Aires, Argentina

\_\_\_\_\_  
Address

## ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☐ Surcharge under 37 CFR 1.20(f)(1) (fee for filing the maintenance fee petition)  
☐ Other: \_\_\_\_\_

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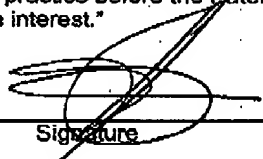
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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

Luis Orlando de Jesus Pittau

Type or printed name

04-28-2010

Date

Registration Number, if applicable

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STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Statement is provided in a separate sheet attached.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

My name is Luis Pittau. I am an independent inventor of Emium (Modular Container that can be interconnected for multiple uses) patent number: 6,276,549 B1. I worked on it together with my partner. We developed an invention that received the following prizes:

The International awards we received include the following:

- \* The Grand Medal of Gold from the WIPO/WIPO (World Intellectual Property Organization).
- \* The Exposition of World Inventions in Geneva (Switzerland) 25th silver medal.
- \* The cup of the International Federation of Inventors Association (World Federation of Inventors).
- \* The OSEC prize of the Office of Promotion and Commercial Exchange of Switzerland for the invention's contribution to helping the environment.
- \* The Worldstar prize of the World Packaging Organization (World Packaging Organization).

In Argentina, our invention obtained:

- \* The first prize of the National Institute of Industrial Property.
- \* The award star of the Southern Argentine Packaging Institute.

In addition, I would like to point out: This invention is designed to solve two problems: homelessness among the extreme poor of the world (because they can use the containers to build homes), and to reduce the amount of garbage deposited in landfills. It addresses two extremely urgent problems that the world is currently facing.

Reasons for the unavoidable delay of payment:

The reason for the unavoidable delay of the maintenance fee due to be paid in the 7<sup>th</sup> year of the patent (which expired 09-21-2009), was because my partner of 34 years, Mirta Mabel Fasci, unexpectedly died, sending me into a long and deep depression, during which time I was unable to cope with basically any important aspect of life, including appointments, chores, and of course, payments I owed to various individuals and entities.

We were a team, my partner and I: she was the one who took care of organizing payments and other business operations. Now I am trying to do it myself, and I recently found out about my delayed payment to the U.S. Patent Office. Additionally, my lawyer, who was in charge of most of my appointments and legal affairs, and who also received all the correspondence related to this invention, died shortly before my partner. Because his heirs closed his law office, the address you had in the Patent Office files was no longer valid, which further complicated communication with your office because I did not receive notice of the expiration of my patent rights.

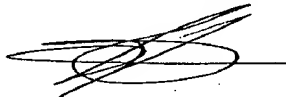
To make matters worse, the first credit card number we sent in the first letter didn't work properly because the bank was concerned about sending money to an overseas account, so we sent a new number issued to a new account that we have specifically set up to send payments to the U.S. Patent Office

As you can see, all of the reasons for the delay in payment have been due to issues beyond my control, which is why I urgently request that you accept the payment of the maintenance fee that expired in the aforementioned date (09-21-2009) in order not to lose the patent's validity.

Thank you very much for your time and consideration.

Sincerely,

Luis Pittau.



If the cardholder includes a credit card number on any form or document or otherwise discloses the credit card number to the public, the cardholder shall be liable for the card number. The cardholder shall be liable for the card number if the card number is disclosed to the public in any form or document or otherwise discloses the credit card number to the public. The cardholder shall be liable for the card number if the card number is disclosed to the public in any form or document or otherwise discloses the credit card number to the public.

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